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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

ALASKA RENT-A-CAR, INC,)	
)	
Plaintiff,)	
)	
v.)	Case No. A03-029 CV [TMB]
)	
CENDANT CORPORATION, et al.,)	
)	
Defendants.)	
_____)	

**DEFENDANTS' NOTICE OF WITHDRAWAL OF CITATIONS
TO CERTAIN UNPUBLISHED DECISIONS**

Defendants hereby submit this notice of withdrawal of certain citations to unpublished decisions which were contained in their "Opposition to Plaintiffs' Motion

for Partial Summary Judgment on Counts I and II of the First Amended Complaint [Breach of Contract] and Plaintiff's Motion for Partial Summary Judgment on Breach of the Implied Covenant of Good Faith and Fair Dealing" [Dkt 215] (hereinafter, the "Opposition").

In their "Reply in Support of Plaintiff's Motion for Partial Summary Judgment on Counts I and II of the First Amended Complaint [Breach of Contract] and Breach of the Implied Covenant of Good Faith and Fair Dealing" [Dkt 279] (hereinafter, the "Reply"), Plaintiff (at pages 24-26) asserts that in their Opposition, Defendants have violated this Court's local rules by citing unpublished decisions. Defendants have reviewed their Opposition and the local rules on citations to unpublished opinions and acknowledge that they cited in error to: *Chang v. McDonald's Corp.*, Business Franchise Guide (CCH) ¶ 11,078 (9th Cir. 1996); *Wu v. Dunkin' Donuts, Inc.*, 2001 U.S. App. LEXIS 2544 (2d Cir. Feb. 20, 2001), *Dr. Pepper Bottling Co. v. Del Monte Corp.*, 1990 U.S. Dist. LEXIS 18748 (N.D. Tex. Jan. 30, 1990) and *Cole v. Century 21 Real Estate Corp.*, 2000 Tex. App. LEXIS 8156 (Tex. App. Dec. 7, 2000).¹ Citation to these four cases was an oversight and Defendants apologize to the Court for the error in citing to those cases and request that it disregard the citations. If the Court would prefer, Defendants will submit a revised Opposition with the citations to these cases omitted.

¹ Citation to unpublished decisions is not per se prohibited. Alaska Local Rule 7.1(c) provides that an opinion of a court may not be cited if citation is prohibited by the court that rendered the decision. The other citations to unpublished decisions in the Opposition, whether they were citations to appellate cases or district court cases, were proper under this rule.

Respectfully submitted,

/s/ Diane F. Vallentine

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CERTIFICATE OF SERVICE

This is to certify that on this 6th day of November, 2006, a true and correct copy of the foregoing was mailed and electronically served upon:

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